

*Massachusetts Urban Forestry Program*

# The Citizen Forester

**August 2006 No. 106**

## **Protecting and Promoting Urban Forestry through Ordinance**

**- Paul Jahnige** ( The author is a former Community Action Forester with the DCR Urban and Community Forestry Program and is currently the DCR Trails and Greenways Program Coordinator)

One of the more valuable, yet often under-used, tools we have in urban forestry is the ordinance. Ordinances can protect canopy, formalize and standardize procedures, raise awareness, and even raise revenues through permits, fees and fines.

While we are lucky in our state to have Massachusetts General Law (MGL) Chapter 87, the Shade Tree Law, which provides some protections for public street trees and outlines a process for removal decisions, a local ordinance can add breadth, depth, and “teeth” to Chapter 87. Although the process of writing and passing an ordinance can be time consuming, a number of Massachusetts communities have successfully developed ordinances, and these can serve as models for you.

### **What an ordinance can do:**

Some existing Massachusetts tree ordinances are available on our web site at <http://www.mass.gov/dcr/stewardship/forestry/urban/urbanFAQs.htm#ordinance> and they contain a variety of provisions, including:

- Providing a rationale for community tree, tree management and tree protection,
- Clarifying unclear provisions of MGL Chapter 87,
- Clarifying roles for overseeing trees on scenic roads vs. non-scenic roads,
- Establishing a community tree committee,
- Detailing tree planting and pruning guidelines,
- Establishing a system of permits and fees for tree trimming and removal requests,
- Providing for existing tree protection and replacement during development projects,
- Promoting communication between various town boards,
- Detailing a process for hazard tree identification, and
- Protecting heritage or significant trees.

### **Don't forget sub-division regulations:**

In addition to ordinances, Massachusetts sub-division regulations allow planning boards to pass regulations that govern the development of new sub-divisions. Tree Wardens and advocates should work with their planning boards to pass or enhance tree related provisions. These regulations can be used to:

- Limit clearing of private properties for sub-division development,

- Require a tree / canopy protection plan,
- Provide for tree replacements or contributions to a tree replacement fund,
- Require the planting of new street trees, and
- Provide standard guidelines for tree planting and landscaping.

### **Some suggestions:**

Here are some suggestions for developing and passing an ordinance in your community:

- **Start with the existing models** from other Massachusetts communities and consider your community's attitudes, needs, and goals. See available ordinances at: [www.mass.gov/dcr/stewardship/forestry/urban/urbanFAQs.htm#ordinance](http://www.mass.gov/dcr/stewardship/forestry/urban/urbanFAQs.htm#ordinance)
- **Bring all stakeholders to the table** and communicate well. The greatest challenge of a tree ordinance is not writing it, but rather getting it passed and more importantly, having it followed. Consider reaching out to other town agencies, business leaders, developers and residents to get their input early on.
- **Consider starting small.** It is easier to start with a simple ordinance that everyone can agree on, than go for something detailed and extensive right off the bat. Remember, it is often easier to add to or amend an ordinance that is in place than it is to pass a new ordinance.
- **Understand the legal ramifications of your new ordinance or regulation.** Ensure that town/city legal staff have thoroughly reviewed the policy well before it's brought for a vote. Also, realize that your new policy may need to be reviewed by the state Attorney General's office.

## **Picks and Shovels**

**Sample ordinances and sub-division regulations** from some Massachusetts communities. [www.mass.gov/dcr/stewardship/forestry/urban/urbanFAQs.htm#ordinance](http://www.mass.gov/dcr/stewardship/forestry/urban/urbanFAQs.htm#ordinance)

**Guidelines for Developing and Evaluating Tree Ordinances** from the ISA. [www.isa-arbor.com/publications/ordinance.aspx](http://www.isa-arbor.com/publications/ordinance.aspx).

**A Guide To Developing A Community Tree Preservation Ordinance**, from the Minnesota Shade Tree Advisory Committee. <http://www.mnstac.org/RFC/preservationordguide.htm>

**Georgia Forestry Commission's sample ordinance:**

<http://www.arlingtonva.us/Departments/ParksRecreation/scripts/parks/ParksRecreationScriptsParksTreesOrdinance.aspx><http://www.urbanforestrysouth.org/Resources/Library/Citation.2004-04-30.1107/view>

**Conservation Design Resource Manual:** Language and Guidelines for Updating Local Ordinances: <http://www.urbanforestrysouth.org/Resources/Library/TTResource.2005-06-08.2338/view>.

## **Welcome Alan Snow (a message from Eric Seaborn, Program Coordinator):**

I am happy (actually ecstatic) to announce that Alan Snow has joined the DCR Urban and Community Forestry Team as the Community Action Forester for Western Massachusetts. Alan comes to us from the DCR Forest Health Unit where he was a regional supervisor, working to detect forest pests, implement response plans and educate the public about forest health issues. Alan brings all of this tremendous experience, his formal education as an urban forester and his experience as a certified and practicing arborist along with great passion and enthusiasm for urban forestry to the program. Alan is also a heck of a nice guy who I am sure you will find to be a great supporter of your efforts in your communities. Please join me in welcoming Alan to our community of citizen (and professional) foresters.

## **Growing Greener**

**City of Boston** – With the formation of **Boston's Urban Forest Coalition (BUFC)**, the City has taken a progressive approach to managing its urban forest resource. Endorsed by Mayor Menino and led by the Boston Parks Department, BUFC has, in its short year and a half life, scored major successes in urban forestry that will have lasting, positive impacts for years to come. A short list of these accomplishments would include completion of a volunteer led, city wide, street tree inventory, publication in the Boston Globe of the results of a Forest Service ecosystem analysis of the benefits of the street trees, the planting of 100 trees in Dorchester, Roxbury and Jamaica Plain as part of a multi-partner Arbor Day celebration and an upcoming speaking event featuring the 2004 Nobel Peace Laureate to benefit the BUFC. In addition, the BUFC has set its sights on developing a master management plan for the city based upon the inventory data and cutting edge models developed by the Forest Service. All of this work will hopefully lead to the Mayor setting a canopy cover goal for the City. As the largest urban center in Massachusetts and, in fact, all of New England, Boston serves as the flag ship city for our region. With the great accomplishments of and commitment to the BUFC efforts, Boston is charting a course for urban forest success.

## **Growing on Trees**

The **Mass. Department of Conservation and Recreation (DCR)'s Greenways and Trails Program** in partnership with the Executive Office of Transportation (EOT) has just posted a call for proposals for **Recreational Trails Grant** projects, with a **deadline** for proposals of October 2, 2006. For more details on the Greenways and Trails Program and the Recreational Trails Grants, please visit <http://www.mass.gov/dcr/stewardship/greenway/index.htm>. To be added to the email/ mailing list for this and similar grant announcements, please send your contact info to **Paul Jahnige** at [paul.jahnige@state.ma.us](mailto:paul.jahnige@state.ma.us) or 413-586-8706 ext. 20. FYI, Paul recently started his new job as DCR's Director of Greenways and Trails, taking over for Jennifer Howard who has moved up to be DCR's Director of Land Protection. Paul most recently came from DCR's Urban and Community Forestry program, and has worked in the urban and community environmental non-profit and public field for about 13 years. He has also been involved in local and regional trail efforts for many years, and looks forward to working with you all to enhance trail and greenway opportunities in Massachusetts.

## **National Urban and Community Forestry Advisory Council (NUCFAC)**

**Grants available** – NUCFAC will award approximately \$1 million in grant funds to projects that have a national or widespread impact and application. Grants of any dollar amount up to the \$1 million dollar limit will be considered. For more information, contact Suzanne M. del Villar, Executive Assistant to the Council, at 909-585-9268 from 7am to 5pm Pacific Standard Time.

**The National Tree Trust recently published *Trees: A Prospectus*** which you can find at ([http://actrees.org/files/Research/NTT\\_Retrospective.pdf](http://actrees.org/files/Research/NTT_Retrospective.pdf)) It is a nice piece for community tree advocates, elected officials and others advocating for investments in green infrastructure.

**National Grid Grants:** if you reside in the communities of **Nantucket, Douglas, Hawley, Adams, Heath, Uxbridge, Billerica, Rowe, Charlemont, Topsfield, Wenham, Norwell, Andover, Hanson, Pembroke, Wilbraham, Pepperell, Lancaster, or Haverhill** your community is eligible to access funds through the DCR – National Grid Partnership Challenge Grants funds. For more information, please visit the DCR National Grid Partnership grant section of our web site at: <http://www.mass.gov/dcr/stewardship/forestry/urban/urbanGrants.htm>

**Community Inventory Guide available:** Using grant funds from the DCR, the University of Massachusetts in cooperation with the City of Springfield and the USDA Forest Service has developed a booklet entitled *Community Guide: Urban and Community Forestry Inventories*. This useful guide leads communities through the steps necessary to complete a community forest inventory, covering issues including urban forestry management tools, inventory types, how to complete the inventory and many more. If you would like copies for your community or group, please contact Eric Seaborn at 617-626-1468 or [eric.seaborn@state.ma.us](mailto:eric.seaborn@state.ma.us)

## **On The Horizon**

**Six Views of the Urban Forest, Lecture Series:** The Lexington Tree Committee is sponsoring a series of lectures on urban and community forest issues. All events are free, made possible through a grant from DCR and will be at the Lexington Carey Library at 7:30 p.m. Contact John Frey at [jwfre2@aol.com](mailto:jwfre2@aol.com). Series includes:

- > September 13, 2006: Bill Cullina, Director for the New England Wildflower Nurseries will make a presentation entitled *"In Homage to Woody-Native Trees for the Urban Forest and Garden."*
- > October 18, 2006: David Pinsonneault Lexington's Superintendent of Public Grounds and Tree Warden will speak on *Implementing a Tree Management Program in Lexington*.

**DCR Tree Stewards Training – Advance Notice:** In the near future, we will be advertising for our annual Tree Stewards Training Program. Once again, the training will be conducted at the Harvard Forest in Petersham. The tentative dates for the training are

November 3<sup>rd</sup> and 4<sup>th</sup> but we will finalize the details at a later date. Please keep your eye out for future notifications if you wish to attend this popular two day training. Space is limited and we fill up fairly quickly.

**2004 Nobel Peace Laureate Dr. Wangari Maathai to speak in Boston:** Please save the date for a unique opportunity to see and hear from one of the world's foremost community forestry advocates. Dr. Maathai will share her vision of grass roots environmental stewardship, citizen empowerment and human rights on October 24 at 7pm at Boston's historic Faneuil Hall. Information about tickets will be coming out soon. There may be opportunities for low or no cost admission for a limited number of seats. We will notify you with further details ASAP. To find out more about Dr. Maathai and the *Greenbelt Movement* that she founded in Kenya, please visit <http://www.greenbeltmovement.org/>

**Empire State Green Industry Show November 14-16, 2006,** Rochester Riverside Convention Center, Rochester, NY. This is a combined education conference and trade show of the New York State Arborists, ISA Chapter Inc.; New York State Turfgrass Association; New York State Nursery/Landscape Association; and New York State Flower Industries. For details, contact Jill Cyr at 518-783-1229, 800-873-8873, [jill@nysta.org](mailto:jill@nysta.org), or [www.nysta.org](http://www.nysta.org).

**Upcoming Conference; "Storms Over the Urban Forest - Storm Preparedness and Response Planning":** Sept. 26, 2006 Radisson Airport Hotel, Providence, Rhode Island Sponsored by the Rhode Island DEM, Rhode Island Tree Council and the USDA Forest Service. This workshop is intended to help communities prepare for natural disasters, respond appropriately when a disaster occurs and help the urban forest recover from the damage. Speakers will cover administrative and planning issues, as well as tree care techniques that will help communities be better prepared when a storm strikes their urban forest.

**Who Should Attend?**

Municipal Officials  
Tree Wardens  
Consulting Foresters  
Tree Board Members  
Volunteer Tree Group Members  
Arborists

Cost: \$50 Registration Includes Lunch and Breaks

Date: Sept. 26, 2006, 9:00 – 4:00 Location: Radisson Airport Hotel, Providence, Rhode Island More Details and Registration Forms will be available soon. For More information contact; Paul Dolan, Rhode Island DEM – 401-647-3367, [pdolan@ridem.necoxmail.com](mailto:pdolan@ridem.necoxmail.com)

## Species Spotlight



### *Platanus x acerifolia*, London Planetree

This cross between the American sycamore and the oriental planetree is a proven urban tree. With its attractive “jigsaw puzzle,” green-brown-tan-cream colored bark and its tall rounded to pyramidal crown shape, this large tree graces streetscapes and stands out in a crowd.

#### **Advantages and Limitations:**

Hardy to zone 5 and tolerant of compacted soils and tough sites, this tree is susceptible to a number of insects and diseases including anthracnose, canker strains, American plum borer and sycamore lacebug. However, it is less susceptible to things like anthracnose than the American sycamore and resistant cultivars are available.

#### **The Right Tree in the Right Place:**

As a large scale tree (reaching 70’ in height), the London planetree should never be planted in small pits, narrow grass strips or in proximity to overhead or underground utilities. You should also avoid planting it as a monoculture on streetscapes to reduce the spread of insects and diseases.

For more information and detail on cultivars visit:

<http://www.hort.uconn.edu/Plants/p/plaace/plaace1.html>.

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**If you have a topic or addition to the Citizen Forester newsletter, please let us know.**

**If you have questions about Urban and Community Forestry, contact:**

**Eric Seaborn**, Coordinator ([eric.seaborn@state.ma.us](mailto:eric.seaborn@state.ma.us))

**Jane Calvin**, Community Forester, Eastern Mass  
([urbanforestry@prospeed.net](mailto:urbanforestry@prospeed.net))

**Alan Snow**, Community Forester, Western Mass  
([alan.snow@state.ma.us](mailto:alan.snow@state.ma.us))



**Bureau of Forestry**  
**Department of Conservation and Recreation**  
251 Causeway Street, Suite 900  
Boston, MA 02114

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